

JURISDICTION:

General Reference:

OKLAHOMA

This chapter summarizes Oklahoma State statutes related to speed. Oklahoma Statutes Annotated and Oklahoma Administrative Code (OAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall drive a vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway (turnpike) and any other conditions then existing. Title 47, 11-801(A) & (D) and 11-1401(g)

Statutory Speed Limit:

See Other below.

75 MPH on the turnpike system and designated segments of the rural interstate system Title 47, 11-801(B)(1)

70 MPH on 4 lane highways or "super two-lane" highways¹ Title 47, 11-801(B)(2)

65 MPH on other highways Title 47, 11-801(B)(3)

55 MPH on a county road Title 47, 11-801(E)(1)

45 MPH in the State Capitol Park Area Title 47, 11-801(B)(6)

35 MPH in a State park or wildlife refuge Title 47, 11-801(B)(7)

25 MPH in a school zone on any highway outside of a municipality

However, the Oklahoma Department of Transportation, based on engineering and traffic investigations, may establish school zone speed limits >25 MPH at specific locations. Title 47, 11-801(B)(5)

25 MPH, or an established alternative speed limit, through State schools which are located on State owned land adjoining or outside the limits of a corporate city or town Title 47, 11-801(B)(6)

Historical Note: The provisions of Title 47, 11-801, that established lower speed limits for trucks, truck tractors with semitrailers or poletrailers attached and for pick-up trucks hauling livestock, were repealed. 1 of Chapter 324, Laws of 1996

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Transportation Commission may increase or decrease² the above speed limits.³ Title 47, 11-802 & 11-803(D)

II. The State Turnpike Authority has the authority to establish maximum speeds for trucks, buses and automobiles using turnpikes. Title 47, 11-1401(i)

III. Subject to certain limitations⁴ and based on engineering and traffic investigations, local governments may increase or decrease the

Basis for a Speed Law Violation: (continued)

¹ "super two-lane highway" means a 2 lane highway "with designated passing lanes, and consisting of paved shoulder not less than eight (8) feet in width." Title 47, 11-801(B)(2)

² On interstate highways within corporate limits, the speed limit cannot be decreased to less than 60 MPH. Title 47, 11-803(D)

³ Under separate provisions of law, the State Transportation Commission may establish maximum speeds for controlled access highways. Title 47, 11-801(C)

⁴ The speed limit inside an urban district can be increased to no more than 65 MPH. The speed limit outside an urban district can be decreased to not less than 30 MPH. Title 47, 11-803(A)(2) & (3)

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Posted (Maximum Speed Limit: (continued)

maximum speed limits.⁵ Title 47, 11-803

IV. The State Transportation Commission and local governments have joint authority to alter speed limits² within corporate limits on highways constructed with either State or Federal funds.⁶ Title 47, 11-803(D)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. Title 47, 11-804(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane when available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Title 47, 11-301(b)

Posted (Minimum) Speed Limit:

I. The State Transportation Commission may establish minimum speeds for controlled access highways. Title 47, 11-801(C)

II. The State Turnpike Authority has the authority to establish minimum speeds for trucks, buses and automobiles using turnpikes. Title 47, 11-1401(i)

III. Based on engineering and traffic investigations, the State Transportation Commission or local governments may, on highways under their respective jurisdictions, establish minimum speed limits on a highway. Title 47, 11-804(b)

Other:

I. No person shall drive a school bus >65 MPH on turnpikes and the interstate highway system and >55 MPH on paved two-lane highways. Title 47, 11-801(B)(4)

II. Based on an investigation, either the State or a local government may establish a safe maximum speed limit for a bridge or other elevated structure. Title 47, 11-806(a) & (b)

III. The State may post special speed limits on State or Federal highways under construction or repair. Title 47, 11-806(c)

IV. No person shall drive a vehicle equipped with either solid rubber or metal tires >10 MPH. Title 47, 11-801(B)(8)⁷

V. No person shall drive a motor-driven cycle⁷ or motor scooter⁸ >35 MPH. Title 47, 11-805

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. Title 47, 11-102, 11-807(c), 11-1401(m), 17-101(a) & 40-106

Other:

Under separate provisions law, county boards may establish speed limits > or <55 MPH for county roads. Title 47, 11-801(E)(1)(A)

However, a local government cannot establish a speed limit that is "substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies." Title 47, 11-803(D)

A "motor-driven cycle" is a bicycle with a motor attached. Title 47, 11-805

This limit applies to "motor scooters" with a wheel diameter of ≤12 inches as "measured from one side of the rim to the other." Title 47, 11-805

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Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

I. For Speed Law Violations, Except as Noted (Title 47, 11-801 to 11-807)-**5 days to 30 days** Title 47, 11-807(c) & 11-1401(m)

II. For a Not Driving in the Right Lane When Proceeding at Less than the Normal Speed of Traffic (Title 47, 11-301(b))-1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not more than **20 days** 3rd or subsequent offense (within 1 year)-Not more than **6 months** Title 47, 17-101(b)

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

None

I. For Speed Law Violations, Except as Noted (Title 47, 11-801 to 11-807)**\$10 to \$200** Title 47, 11-807(c) & 11-1401(m)

II. For a Not Driving in the Right Lane When Proceeding at Less than the Normal Speed of Traffic (Title 47, 11-301(b))-1st offense-**\$10 to \$100** 2nd offense (within 1 year)-**\$20 to \$200** 3rd or subsequent offense (within 1 year)-Not more than **\$500** Title 47, 17-101(b)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Driver Improvement or Defensive Driving Course Title 47, 6-206.1 & OAC 595:10-7-10 Note: An offender can reduce the number points on their driving record by taking this course. OAC 595:10-7-10

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Term of License Withdrawal

(Days, Months, Years, etc.):

Suspension⁹ Title 47, 6-206(B)

Not more than **1 year** Title 47, 6-208

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Mandatory Minimum Term of

Withdrawal:

Limited⁹

Miscellaneous Sanctions

Not Included Elsewhere:

Point System. The licensing agency usually takes suspension action based upon a point system. I. Under this system, an offender's license is suspended if an offender accumulates 10 or more points. Suspension periods are determined by the number of prior suspensions as follows: A 1st suspension is for 1 month; a 2nd suspension is for 3 months; a 3rd suspension is for 6 months (mandatory); and a 4th or subsequent suspension is for 12 months (mandatory). OAC 595:10-7-6 II. The following points are assigned to speeding and speed related violations: Reckless driving-4 points; speeding >25 MPH over the speed limit-3 points; careless driving (Note: This is not listed as an offense under State statutory law.)-2 points; speeding-2 points; contest racing on the highway (Note: This is not listed as an offense under State statutory law.)-2 points; driving in excess of the posted maximum speed limit-2 points; driving less than the minimum posted speed limit-2 points; speeding in a school zone-2 points; radar check violation-2 points; airplane checked speed violation-2 points; Vascar-2 points; negligent driving (Note: This is not listed as an offense under State statutory law.)-1 point; operating a motor vehicle at a speed either greater than or less than is reasonable or proper-1 point; and impeding traffic and <40 MPH-1 point. OAC 595:10-7-2

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Other Criminal Actions Related to Speeding:

Racing on Highway:

Note: State law does not provide for the offense of racing on the highway. However, the State code does authorize local governments to enact ordinances or promulgate regulations that prohibit such conduct. Title 11, 22-117(A)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

Reckless Driving:

Misdemeanor Title 47, 11-102 & 11-901

Sanction:

Criminal:

Imprisonment (Term):

~~1st offense-5 days to 90 days~~ ~~Subsequent offense-10 days to 6 months~~ Title 47, 11-901(b)

Mandatory Minimum Term of Imprisonment:

None

Fine (\$ Range):

~~1st offense-\$25 to \$500~~ ~~Subsequent offense-\$50 to \$1,000~~ Title 47, 11-901(b)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Suspension⁹ Title 47, 6-206(B)

Not more than **1 year** Title 47, 6-208

Limited⁹

Driver Improvement or Defensive Driving Course Title 47, 6-206.1 & OAC 595:10-7-10 Note: An offender can reduce the number points on their driving record by taking this course. OAC 595:10-7-10

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹¹ within a

A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle used to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Title 47, 1-107.1, 1-107.2 & 1-107.3

A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Title 47, 6-205.2(F)

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3 year period or (2) commit 3 such violations within a 3 year period.
Title 47, 6-205.2(F)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** Title 47, 6-205.2(F)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** Title 47, 6-205.2(F)

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